



Plaintiff responds that the Governor's Inn website states that the hotel is operated by Smoky Mountain Resorts. Further, Smoky Mountain Resorts and Governor's Inn share the same Post Office Box in Pigeon Forge, Tennessee. Plaintiff asserts that defendant Smoky Mountain Resorts has held itself out as the owner, operator, agent or other party responsible for the Governor's Inn. Plaintiff further states that the parties have not conducted discovery for the purposes of identifying the entity that owns, operates and/or is responsible for Governor's Inn, and that summary judgment is therefore premature. The court agrees.

At this stage of the proceedings, the record is not sufficiently developed for the court to resolve the issue of liability of Smoky Mountain Resorts for plaintiff's injuries. The court finds there exist material issues of fact as to whether Smoky Mountain Resorts owns, operates or is responsible for Governor's Inn. Discovery will assist the parties, and the court, in resolving the issues of ownership and operation of Governor's Inn. Accordingly, defendant Smoky Mountain Resorts' motion for summary judgment [Doc. 14] is **DENIED** at this time, reserving to defendant the right to renew the motion after discovery, should the facts and circumstances of this case merit the same.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge